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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	No. CR-12-00235 YGR
	)	
Plaintiff,	)	STIPULATION AND [PROPOSED]
	)	PROTECTIVE ORDER RE: REPORTS
v.	)	AND OTHER INFORMATION
	)	
KHUSAR MOBLEY,	)	
	)	OAKLAND VENUE
Defendant.	)	
	)	
	)	

With the agreement of the parties, and with the consent of defendant, the Court enters the following Order:

Defendant is charged with: (1) Conspiracy to Commit Robbery of Mail, Money, or Other Property of United States and Assault on a Federal Officer, in violation of Title 18, United States Code, Section 371; (2) Assault on a Federal Officer, in violation of Title 18, United States Code, Section 111(b); (3) Robbery of Mail, Money, or Other Property of the United States, in violation of Title 18, United States Code, Section 2114; and (4) Using, Carrying, Possessing, and Brandishing a Firearm During, in Relation to, and in Furtherance of a Crime of Violence, in violation of Title 18, United States Code, Section 924(c)(1)(A). Pursuant to defendant's request,

PROTECTIVE ORDER  
CR-12-00235 YGR

1 the United States will produce copies of reports and information regarding a 2009 incident with  
2 which defendant was involved (hereinafter "REPORTS") to defense counsel, in lieu of making  
3 them available for review only, pursuant to the following restrictions:

4 1. Except when being actively examined for the purpose of the preparation of the  
5 defense of defendant, the REPORTS shall be maintained in a safe and secure place in defense  
6 counsel's office, which is accessible only to defense counsel, members of his or her law firm  
7 who are working with him or her to prepare defendant's defense, and his or her investigator(s).  
8 Defense counsel, members of his or her law firm, defendant, and the investigator(s) shall not  
9 permit any person access of any kind to the REPORTS except as set forth below.

10 2. The following individuals may examine the REPORTS for the sole purpose of  
11 preparing the defense of defendant and for no other purpose:

- 12 a) Counsel for defendant;
- 13 b) Members of defense counsel's law office who are assisting with the  
14 preparation of defendant's defense;
- 15 c) Defendant, but only in the presence of defense counsel or another  
16 authorized person listed in this paragraph, (defendant may not take or  
17 maintain the REPORTS or copies thereof);
- 18 d) Investigators and experts retained by defendant to assist in the defense of  
19 this matter.

20 If defense counsel determines that additional persons are needed to review the REPORTS, he or  
21 she must obtain a further order of the Court before allowing any other individual to review the  
22 materials.

23 3. A copy of this Order shall be maintained with the REPORTS at all times.

24 4. All individuals, other than defense counsel (and employees of his/her office) and  
25 defendant, who receive access to the REPORTS, prior to receiving access to the materials, shall  
26 sign a copy of this Order acknowledging that:

- 27 a) they have reviewed the Order;
- 28 b) they understand its contents;

- 1 c) they agree that they will only access the REPORTS and information for  
2 the purposes of preparing a defense for defendant;  
3 d) they understand that failure to abide by this Order may result in sanctions  
4 by this Court.

5 Counsel for defendant shall either (1) send signed copies of the Order to counsel for the United  
6 States or (2) file signed copies of the Order, *ex parte* and under seal. The United States shall  
7 have no access to the signed copies filed under seal without further order of the Court.

8 5. No other person may be allowed to examine the REPORTS without further order  
9 of the Court. Examination of the REPORTS shall be done in a secure environment which will  
10 not expose the materials to other individuals not listed above.

11 6. The REPORTS may be duplicated to the extent necessary to prepare the defense  
12 of this matter. Any duplicates will be treated as originals in accordance with this Order.

13 7. If the REPORTS are attached to any pleadings, the REPORTS shall be filed or  
14 lodged under seal.

15 8. The United States shall request that the defense team return the REPORTS (and  
16 any duplicate copies of the same) to the United States fourteen calendar days after any one of the  
17 following events, whichever occurs latest in time: dismissal of all charges against defendant;  
18 defendant's acquittal by court or jury; or the conclusion of any direct appeal. The defense team  
19 shall comply with the United States' request.

20 9. After the conclusion of proceedings in the district court or any direct appeal in the  
21 above-captioned case, the United States will maintain a copy of the REPORTS. The United  
22 States will maintain the REPORTS until the time period for filing a motion pursuant to 28 U.S.C.  
23 § 2255 has expired. After the statutory time period for filing such a motion has expired, the  
24 United States may destroy the REPORTS. In the event defendant is represented by counsel and  
25 files a motion pursuant to 28 U.S.C. § 2255, the United States will provide that counsel with a  
26 copy of the REPORTS under the same restrictions as trial and direct appeal defense counsel.  
27 Defendant's attorney in any action under 28 U.S.C. § 2255 shall return the same materials  
28 fourteen calendar days after the district court's ruling on the motion or fourteen calendar days

1 after the conclusion of any direct appeal of the district court's denial of the motion, whichever is  
2 later.

3  
4 STIPULATED:

5  
6 DATED: November 8, 2012

\_\_\_\_\_  
/s/  
RICHARD B. MAZER  
Attorney for Defendant Khusar Mobley

8  
9 DATED: November 8, 2012

MELINDA HAAG  
United States Attorney

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11 \_\_\_\_\_  
/s/  
JAMES C. MANN  
Assistant United States Attorney

12  
13  
14 **IT IS SO ORDERED** that disclosure of the above-described materials shall be restricted as  
15 set forth above.

16  
17 DATED: November 14, 2012

  
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YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE